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Attorneys for DOE 2, Associated with
Internet Protocol (IP) Address
108.27.25.30, Defendant

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

SBO PICTURES, INC.	)	CASE NO. 1:11-cv-07999-LLS
9040 Eton Avenue)	
Canoga Park, CA 91304,)	
)	
Plaintiff,	)	<u>ECF CASE</u>
)	
v.	)	NOTICE OF MOTION AND MOTION
	)	OF DEFENDANT DOE 2, ASSOCIATED
DOES 1-92,	)	WITH IP ADDRESS 108.27.25.30
	)	TO QUASH SUBPOENA SERVED
Defendants	)	ON NONPARTY VERIZON
	)	INTERNET SERVICES UNDER
	)	RULE 45, FED. R. CIV. P. AND TO
	)	DISMISS; DECLARATION OF DOE2;
	)	MEMORANDUM OF LAW

TO: PLAINTIFF AND ITS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT the defendant, identified herein as "Doe 2" and associated with Internet Protocol (IP) Address 108.27.25.30 (hereinafter "Defendant"), will move the Court, located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, in Courtroom 21C, the Courtroom of the Honorable Louis L. Stanton, United States District Judge, for the following relief:

1. An order quashing the Subpoena To Produce Documents, Information, or Objects or To Permit Inspection of Premises in a Civil Action served by plaintiff in this action on the Custodian of Records, Verizon Internet Services, with a compliance date of December 14, 2011, a copy of which is attached as Exhibit B to Defendant's Declaration, on the ground that it fails to comply with the requirements of 17 U.S.C. §§ 512(h)(2) and (c)(3)(A) and on the further ground that it infringes Defendant's right to privacy and to anonymity; and

2. An order dismissing this action, on motion of Defendant or *sua sponte* at the suggestion of the Defendant on the ground that an action solely against fictitious defendants is improper and under Rule 12(b)(3), Fed. R. Civ. P., for improper venue; and

3. For such other relief as the Court may deem just and proper.

This motion is based on the complaint filed in this action; the Subpoena To Produce Documents, Information, or Objects or To Permit Inspection of Premises in a Civil Action, served by plaintiff on the Custodian of Records, Verizon Internet Services on or about November 14, 2011 and attached as Exhibit A to Defendant's Declaration; the Court-Directed Notice Regarding Issuance of Subpoena Seeking Disclosure of Your Identity dated November 30, 2011 and attached as Exhibit B to Defendant's Declaration; Defendant's Declaration and the exhibits thereto; the Declaration of Jon Nicolini in support of plaintiff's request for expedited discovery, document

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number 7 in the docket for this case; Defendant's Memorandum of Law; and such other matters as may be presented to the Court in support of this motion.

DATED: December 13, 2011

/s/ Carolyn Shields
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